

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RATES TECHNOLOGY, INC.,

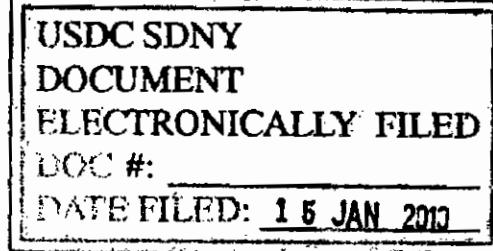
Plaintiff,

-against-

VIPER INTERNATIONAL LLC,

Defendant.

No. 09 Civ. 4068 (LTS)(THK)



VIPER NETWORKS, INC.,

Plaintiff,

-against-

RATES TECHNOLOGY, INC.,

Defendant.

No. 09 Civ. 9864 (LTS)(THK)

ORDER CONSOLIDATING ACTIONS

On April 24, 2009, Rates Technology, Inc. filed case no. 09 Civ. 4068 against Viper International, LLC, alleging infringement of two patents. On April 14, 2009, a related entity, Viper Networks, Inc., filed a case against Rates Technology, Inc., in the United States District Court for the Southern District of California. On November 23, 2009, Judge M. James Lorenz ordered the transfer of the April 14, 2009, case to this Court. Both cases are currently before the undersigned and involve very closely related issues of patent infringement and validity, and have not yet undertaken substantial discovery.

The Court has considered thoroughly Rates Technology Inc.'s unopposed December

16, 2009, motion to consolidate the above-captioned cases and finds that the ends of judicial efficiency are served by joint resolution of their common questions of law and fact. Accordingly, the motion is granted.

Pursuant to Fed. R. Civ. P. 42(a), the above-captioned actions are consolidated for all purposes including, but not limited to, discovery, pretrial proceedings and trial. The consolidated action shall be referred to collectively as In re Rates - Viper Patent Litigation, Master File No. 09 Civ. 4068 (LTS)(THK).

A. MASTER DOCKET AND SEPARATE ACTION DOCKETS

1. A Master Docket is hereby established for the consolidated proceedings in the actions consolidated herein and any other actions subsequently consolidated with them for pretrial purposes. Entries in said Master Docket shall be applicable to the consolidated Rates - Viper Patent Litigation, and entries shall be made therein in accordance with the regular procedures of the Clerk of this Court, except as modified by this Order.
2.
  - (a) When a pleading is filed and the caption, pursuant to this Order, shows that it is applicable to "All Actions," the parties shall electronically or manually file such pleading pursuant to this Court's Guidelines and Amended Instructions for Electronic Case Filing.
  - (b) When a pleading or motion is electronically filed and the caption, pursuant to this Order, shows that it is applicable to "All Actions," the parties shall electronically file such pleading or motion in the Master File only. Docket entries shall not be made to each separate action.
  - (c) When a pleading or motion is manually filed and the caption, pursuant to this Order, shows that it is applicable to "All Actions," the parties shall submit to this Court the original pleading or motion for the Master File. No copies shall be submitted for each separate action. Upon receiving the original pleading or motion, the Clerk shall docket it to the Master File

only. Docket entries shall not be made to each separate action.

B. MASTER FILE AND SEPARATE ACTION FILES

1. A Master File is hereby established for the consolidated proceedings in the consolidated Rates - Viper Patent Litigation. The Master File shall be Civil Action 09 Civ. 4068. The original of this Order shall be docketed by the Clerk of Court in the Master File herein established.
2. The Clerk shall maintain a separate file for each of the consolidated Rates v. Viper Patent Litigation actions, and filings shall be made therein in accordance with the regular procedures of the Clerk of this Court except as modified by Section C of this Order. The Clerk shall docket a copy of this Order in each such separate file. Once the Clerk has docketed this Order, counsel of record in each of the consolidated Rates - Viper Patent Litigation actions will receive a Notice of Electronic Filing.

C. CAPTIONS

1. Every pleading or motion filed in the consolidated Rates - Viper Patent Litigation, and in any separate action included therein, shall bear the following caption:

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE RATES - VIPER :  
PATENT LITIGATION :  
This Document Relates To: :  
:  
:  
:  
:  
:  
X

MASTER FILE  
09 Civ. 4068 (LTS)(THK)

2. When a pleading or motion is intended to be applicable to all actions to which this Order applies, the words "All Actions" shall appear immediately after the words "This Document Relates To:" in the caption. When a pleading or motion is intended to apply to fewer than all of such actions, the docket number for each individual action to which it is intended to apply and the name of the plaintiff in said action shall appear immediately after the words "This Document Relates To:" in the caption.

Further proceedings in these consolidated actions will be conducted in accordance with applicable orders, federal and local court procedural rules and the Individual Practices Rules of the undersigned, including Rule 2.B. thereof.

This Order resolves docket entry no. 6 in Case No. 09 Civ. 9864.

SO ORDERED.

Dated: New York, New York  
January 15, 2010



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LAURA TAYLOR SWAIN  
United States District Judge